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PROVISIONS RELATING TO TIMBERLAND

CHAPTER 6.7. TIMBERLAND \*

- Article 1. General Provisions. §§ 51100-51104.
- 2. Timberland Production Zones. §§ 51110-51119.5.
- 3. Rezoning. §§ 51120-51121.
- 4. Immediate Rezoning. §§ 51130-51134.
- 5. Removal From Zone. §§ 51140-51146.
- 6. Eminent Domain or Other Acquisition. §§ 51150-51155.

Article 1. General Provisions

- § 51100. Title.
- § 51101. Legislative findings.
- § 51102. Policy of state.
- § 51103. Legislative intent; inclusion of all qualifying timberland.
- § 51104. Definitions.

**51100. Title.** This chapter shall be known and may be cited as the California Timberland Productivity Act of 1982.

**History.—**Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

**Construction.**—A county's amendments to its zoning ordinance controlling the location of commercial timber harvesting were not preempted by state statutes (Public Resources Code Sections 4511-4628) governing the conduct of timber harvest operations. Although Public Resources Code Section 4516.5 expressly preempts local attempts to regulate the conduct of timber operations, the ordinance instead addressed where the operations could take place. Government Code Sections 51100-51155 contemplate that local zoning authority be exercised on those issues, and other pertinent legislation demonstrates the Legislature's intent to preserve local zoning authority over lands not designated as "timberland production zones." Neither was the ordinance preempted by implication. *Big Creek Lumber Company v. San Mateo County*, 31 Cal.App.4th 418.

**51101. Legislative findings.** The Legislature hereby finds and declares all of the following:

(a) The forest resources and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, regional economic vitality, resource protection, and aesthetic enjoyment.

(b) The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.

(c) A continued and predictable commitment of timberland, and of investment capital, for the growing and harvesting of timber are necessary to ensure the long term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies.

**History.—**Added by Stats. 1982, Ch. 1489, in effect January 1, 1983. Stats. 1990, Ch. 1600, in effect January 1, 1991, added "regional economic vitality," after "opportunities" in subdivision (a); and substituted "long-term" for "long term" after "the" in both places, substituted a comma for "and" after "resource," and added ", and long-term stability of local resource-based economies" after "industry" in subdivision (c).

\* Chapter 6.7 was added by Stats. 1976, Ch. 176, p. 305, in effect May 24, 1976. Secs. 20 and 21 thereof provided no payment by state to local governments because of this act.

**51102. Policy of state.** (a) The Legislature further declares that to fully realize the productive potential of the forest resources and timberlands of the state, and to provide a favorable climate for long-term investment in forest resources, it is the policy of this state to do all of the following:

(1) Maintain the optimum amount of the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses.

(2) Discourage premature or unnecessary conversion of timberland to urban and other uses.

(3) Discourage expansion of urban services into timberland.

(4) Encourage investment in timberlands based on reasonable expectation of harvest.

(b) The Legislature further declares that it is the policy of this state that timber operations conducted in a manner consistent with forest practice rules adopted by the State Board of Forestry and Fire Protection shall not be or become restricted or prohibited due to any land use in or around the locality of those operations.

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983. Stats. 1998, Ch. 972 (SB 989), in effect January 1, 1999, deleted “in order” after “declares that” in the first sentence and deleted “so as” after “timberland” in paragraph (1) of subdivision (a); and added “and Fire Protection” after “Forestry” in subdivision (b).

**51103. Legislative intent; inclusion of all qualifying timberland.** It is the intent of the Legislature to implement the policies of this chapter by including all qualifying timberland in timberland production zones.

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

**51104. Definitions.** As used in this chapter, unless otherwise apparent from the context:

(a) “Board” means the board of supervisors of a county or city and county, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(b) “Contiguous” means two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other, as determined by the board or council, that they are manageable as a single forest unit.

(c) “Council” means the city council of a city, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(d) “County” or “city” means the county or city having jurisdiction over the land.

(e) “Timber” means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.

(f) “Timberland” means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(g) “Timberland production zone” or “TPZ” means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

With respect to the general plans of cities and counties, “timberland preserve zone” means “timberland production zone.”

(h) “Compatible use” is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

(1) Management for watershed.

(2) Management for fish and wildlife habitat or hunting and fishing.

(3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.

(4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.

(5) Grazing.

(6) A residence or other structure necessary for the management of land zoned as timberland production.

(i) “Parcel” means that portion of an assessor’s parcel that is timberland, as defined.

(j) “Anniversary date” means the anniversary of the date on which zoning is established pursuant to Section 51112 or 51113 takes effect.

(k) “Tax rate area” means a geographical area in which there is a unique combination of tax levies.

(l) “Nonconforming use” means any use within a TPZ which lawfully existed on the effective date of zoning established pursuant to Sections 51112 and 51113, and continuing since that time, which is not a compatible use.

**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977, deleted “a” in subdivision (j) between “which” and “zoning”. Stats. 1982, Ch. 1489, in effect January 1, 1983, renumbered the section which was formerly numbered 51100; substituted “production” for “preserve” after “timberland” in subdivisions (a) and (c); substituted “production” for “preserve” before, and added “or TPZ” after “zone” in the first paragraph, and added the second paragraph in subdivision (g); added “any of” after “limited to,” in the first sentence, and added subsection (6) in subdivision (h); and added subdivision (l).

**Construction.**—Land is “maintained for eventual harvest for forest product purposes” and “devoted to and used for growing or harvesting timber” where it is inherently capable of being so used or maintained and has not been rendered unsuitable for forest product purposes by prior activity. The definitions of timber and timberland herein are not to be measured by any one owner’s subjective intent. *Clinton v. Santa Cruz County*, 119 Cal.App.3d 927.

Article 2. Timberland Production Zones \*

- § 51110. Parcels assessed for timber; notice and hearing; procedure.
- § 51110.1. Parcels not assessed for timber; notice and hearing; procedure.
- § 51110.2. Hearing; county or city planning commission.
- § 51110.3. Petition by landowner regarding timber production zoning.
- § 51111. Adoption of list of parcels zoned as timberland production.
- § 51112. Zoning of parcels as timberland production.
- § 51113. Subsequent zoning; hearing; procedure.
- § 51113.5. Additions to timberland production lands.
- § 51114. Term of zoning of parcels as timberland production lands.
- § 51115. Restricted use of parcels zoned as timberland production lands.
- § 51115.1. Presumption; parcels zoned as timberland production.
- § 51115.2. Nonconforming use; limitation.
- § 51115.5. Timber operations not nuisance; exceptions.
- § 51116. Authority of county or city to bring court enforcement action.
- § 51117. Recording with county recorder.
- § 51118. Assessment as timberland production lands.
- § 51119. Section 21151 of the Public Resources Code not applicable.
- § 51119.5. Size of parcels zoned as timberland production lands.

**51110. Parcels assessed for timber; notice and hearing; procedure.** (a) On or before September 1, 1976, the assessor shall assemble a list of all parcels, regardless of size, which as of the lien date in 1976, were assessed for growing and harvesting timber as the highest and best use of the land, including all such parcels or portions thereof under agricultural preserve contracts.

(b) On or before September 1, 1976, the assessor shall notify by mail, which is certified and with return receipt requested, owners of parcels listed under subdivision (a) that their land has been included in such a list. This notice shall be substantially in the following form:

To: (name of taxpayer)

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, \_\_\_\_\_ County must provide for the zoning of land used for growing and harvesting timber as timberland preserve zone (TPZ).

A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city). In return, taxation of timberland under a TPZ will be based only on such restrictions in use.

To initiate this zoning procedure, the assessor has assembled a list (list "A") of all those parcels assessed for property tax purposes for growing and harvesting timber as the highest and best use of the land as of March 1, 1976. The following parcels of your land have been included in this list "A":

---

(legal description or assessor's parcel no.)

---

If you have one or more parcels listed above which you believe have a highest and best use other than growing and harvesting timber, you must submit to the assessor a written affidavit describing the intended use you have

\* Article 2 heading was amended by Stats. 1982, Ch. 1489, in effect January 1, 1983.

for this parcel(s), and do so before October 1, 1976. The assessor will then designate such parcel(s) as “contested” on the final list of these parcels which is submitted to the county board of supervisors (or city council) on October 15, 1976.

A public hearing will be held prior to March 1, 1977, for the consideration of zoning your parcel(s) as TPZ. You will be given at least 20 days’ notice of such hearing.

Under the Timber Yield Tax Law, all noncontested parcels included in the final list “A” will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that at least one of the following conditions exists:

(i) That the parcel or parcels are not capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre; or

(ii) That the current use of the parcel has changed subsequent to March 1, 1976, and that such use is no longer the growing and harvesting of timber, and is not compatible with the growing and harvesting of timber.

Parcels designated as “contested” which appear on list “A” will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that it would not be in the public interest for such parcels(s) to be zoned as TPZ. Parcels in list “A” not zoned as TPZ will receive an alternate zone, if no appropriate zone currently exists. “Contested” parcels not zoned as TPZ will be valued in the future on a higher and better use of the land.

Detailed information on the TPZ zoning process and the Z’berg-Warren-Keene-Collier Forest Taxation Reform Act in general may be obtained from your county assessor’s office.

(c) Upon notification pursuant to subdivision (b) owners of parcels listed pursuant to subdivision (a) may have one or more such parcels designated as “contested” in the following manner:

On or before October 1, 1976, the owner must notify the assessor in a written affidavit that such a parcel has the highest and best use which is not a compatible use for timberland, as determined by the board or council pursuant to Section 51111, and the owner shall state the intended use for such parcel.

Upon receipt of such affidavit, the assessor shall designate such parcels on the list to be submitted to the board or council pursuant to subdivision (d) as “contested”. In preparing the assessment roll for the 1977-78 fiscal year and each fiscal year thereafter, the assessor shall take into account the owner’s notice of higher and better use in determining the fair market value for such parcels, if such parcels are not zoned as timberland preserve.

(d) On or before October 15, 1976, the assessor shall submit to the board or council a list of all parcels, regardless of size, which as of the lien date in 1976, are assessed for growing and harvesting timber as the highest and best use of the land, including such parcels designated as “contested” pursuant to subdivision (c). This list shall be known as “list A”.



(e) On or before August 19, 1976, the State Board of Equalization shall submit to the county assessor for inclusion in list A those parcels on the board roll which are located in the county and which, as of the lien date in 1976, were assessed by the State Board of Equalization for growing and harvesting timber as the highest and best use of the land.

**51110.1. Parcels not assessed for timber; notice and hearing; procedure.** (a) On or before September 1, 1977, the assessor shall assemble a list of all parcels, which, as of the lien date in 1976, appeared in the judgment of the assessor to constitute timberland, but which were not assessed for growing and harvesting timber as the highest and best use of the land.

(b) On or before September 1, 1977, the assessor shall notify by mail, which is certified and with return receipt requested, owners of parcels listed under subdivision (a) that their land has been included in such a list. This notice shall be substantially in the following form:

To: (name of taxpayer)

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, \_\_\_\_\_ County must provide for the zoning of land used for growing and harvesting timber as timberland preserve zone (TPZ).

A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city). In return, taxation of timberland under a TPZ will be based only on such restrictions in use.

As part of this zoning procedure, the assessor has assembled a list (list "B") of all those parcels which appear to be land used for growing and harvesting timber, but which are not assessed for property tax purposes as this being the highest and best use of the land. The following parcels of your land have been included in this list "B":

---

(legal description or assessor's parcel no.)

---

A public hearing will be held prior to March 1, 1978, for the consideration of zoning your parcel(s) as TPZ. You will be given at least 20 days' notice of such hearing.

Under the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act, all parcels included in this list "B" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that it would not be in the public interest for such parcel(s) to be zoned as TPZ. Parcels on list "B" not zoned as TPZ will receive an alternate zone, if no appropriate zone currently exists.

Detailed information on the TPZ zoning process and the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act in general may be obtained from your county assessors office.



(c) On or before October 15, 1977, the assessor shall submit to the board or council a list of all parcels, which as of the lien date in 1976, appear to constitute timberland, but which are not assessed for growing and harvesting timber as the highest and best use of the land. This list shall be known as "list B".

(d) On or before August 19, 1977, the State Board of Equalization shall submit to the county assessor, for inclusion in list B, those parcels on the board roll which are located in the county and which as of the lien date in 1976, appear to constitute timberland, but which were not assessed by the State Board of Equalization for growing and harvesting timber as the highest and best use of the land.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted "parcel(s)" for "parcels" in fourth paragraph of subdivision (b).

**51110.2. Hearing; county or city planning commission.** The county or city planning commission shall hold a public hearing on parcels referred to it for review by the board or council pursuant to subdivision (d) of Section 51110 and subdivision (c) of Section 51110.1 according to Section 65854, and shall render its decision in the form of a written recommendation to the board or council according to Section 65855. The planning commission shall include in its recommendation to the board or council considerations as to the exact zoning boundaries to be drawn within each assessors parcel contained in list A or list B.

History.—Stats. 1983, Ch. 142, in effect January 1, 1984, deleted "of this code" after "65854" and after "65855" in the first sentence.

**51110.3. Petition by landowner regarding timber production zoning.** In the event that a landowner does not receive notice pursuant to subdivision (b) of Section 51110.1, such owner may prior to January 1, 1978, petition directly to the board or council to have a parcel owned by such person included on list "B". Such owner must be able to demonstrate that on each such parcel a plan for forest management has been prepared, or approved as to content, by a registered professional forester prior to October 15, 1977. Such plan shall provide for the harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

In the event that the board or council finds that the parcel does in fact have plans for forest management signed by a registered professional forester prior to October 15, 1977, the board or council shall include the parcel listed in the petition on list "B" without respect to acreage or size and shall consider these parcels under subdivision (c) of Section 51112.

History.—Added by Stats. 1977, Ch. 853, in effect September 17, 1977.

**51111. Adoption of list of parcels zoned as timberland production.** On or before October 1, 1976, the board or council shall adopt a list and a detailed description of additional compatible uses for parcels zoned as timberland production.

History.—Stats. 1984, Ch. 678, in effect January 1, 1985, substituted "production" for "preserve" after "timberland".

**51112. Zoning of parcels as timberland production.** (a) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A submitted by the assessor pursuant to subdivision (d) of Section 51110 which are not designated as “contest,” unless it finds by a majority vote of the full body that a parcel or parcels are not devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses.

The basis for such a finding is limited to either of the following:

(1) The parcel is not in fact capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre;

(2) The use of the parcel has changed subsequent to the lien date in 1976, and that such use no longer meets the definition of timberland, or of compatible uses as defined and as adopted by the board or council pursuant to Section 51111.

(b) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A which are designated as “contested” pursuant to subdivision (c) of Section 51110, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(c) On or before March 1, 1978, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list B submitted by the assessor pursuant to subdivision (c) of Section 51110.1, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(d) On parcels excluded from the timberland production zone under this section, the board or council shall apply an alternate zone which is in conformance with the county general plan and whose primary use is other than timberland, if no such appropriate zone currently applies to such parcels.

(e) The owner of the land shall be given written notice at least 20 days prior to the hearing of the board or council, and notice of hearing shall be published pursuant to Section 6061 of this code, and shall include a legal description, or the assessor’s parcel number, of the land which is proposed to be included within the timberland production zone.

History.—Stats. 1984, Ch. 678, in effect January 1, 1985, substituted “production” for “preserve” after “timberland” throughout the section.

**51113. Subsequent zoning; hearing; procedure.** (a) (1) An owner may petition the board or council to zone his or her land as timberland production. The board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels submitted to it by petition pursuant to this section, which meet all of the criteria adopted pursuant to

subdivision (c). Any owner who has so petitioned and whose land is not zoned as timberland production may petition the board or council for a rehearing on the zoning.

(2) This section shall not be construed as limiting the ability of the board or council to zone as timberland production any parcel submitted upon petition that is timberland, defined pursuant to subdivision (f) of Section 51104, and which is in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(b) The board or council, on or before March 1, 1977, by resolution, shall adopt procedures for initiating, filing, and processing petitions for timberland production zoning and for rezoning. The rules shall be applied uniformly throughout the county or city.

(c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section. The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner must sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed. Notwithstanding the provisions of Article 4 (commencing with Section 51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel which is in conformance with the county general plan and whose primary use is other than timberland;

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977, designated the first paragraph as (1) of subdivision (a) and added paragraph (2) thereof, and added the second paragraph of subdivision (c)(3) and added paragraphs (4) and (5) to the subdivision. Stats. 1982, Ch. 1489, in effect January 1, 1983, in addition to making numerous grammatical corrections throughout this section, substituted “production” for “preserve” after “timberland” wherever applicable; added “or her” after “his” in the first sentence of subdivision (a)(1) and substituted “51104” for “51100” after “Section” in subdivision (a)(2); deleted “below” after “subdivision (d)” in the second sentence of subdivision (c), substituted “shall” for “must” after “management” in the first sentence of subdivision (c)(2), deleted “such” after “signing off” in the first sentence and substituted “(commencing with Section 51130)” for “of this chapter” after “Article 4” in the second sentence of the second paragraph of subdivision (c)(3), and substituted “51104” for “51100” after “Section” in subdivision (c)(4); and substituted “80 acres” for “160 acres or one-quarter section” after “exceed” in subdivision (d)(1). Stats. 1998, Ch. 972 (SB 989), in effect January 1, 1999, deleted “After November 1, 1977” before “An owner” in the first sentence of paragraph (1), and substituted “that” for “, which” after “petition” in the first sentence of paragraph (2) of subdivision (a); lettered the first paragraph of paragraph (3) as subparagraph (A), added “and Fire Protection” after “Forestry” in the first sentence and deleted “then” after “subdivision (a),” in the second sentence therein, lettered the second paragraph of paragraph (3) as subparagraph (B) and added “that” after “the date” in the first sentence therein; substituted a period for “; and” after “Section 51104” in the first sentence of paragraph (4) of subdivision (c); and substituted “not to” for “provided that such number required may not” after “acres,” in the first sentence of paragraph (1) and substituted “except” for “; provided,” after “Code” in the first sentence of paragraph (2) of subdivision (d).

**51113.5. Additions to timberland production lands.** (a) After March 1, 1977, an owner with timberlands in a timberland production zone pursuant to Section 51112 or 51113 may petition the board or council to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already zoned as timberland production. Section 51113 shall not apply to these lands.

(b) In the event of land exchanges with, or acquisitions from, a public agency in which the size of an owner’s parcel or parcels zoned as timberland production pursuant to Section 51112 or 51113 is reduced, the timberland production shall not be removed from the parcel except pursuant to Section 51121 and except for a cause other than the smaller parcel size.

**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted “and (g) of section 51100 and that contiguous to the timberland already zoned as timberland preserve.” for “of Section 51100 or other holdings that now satisfy that section in subdivision (a).” Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” wherever applicable, and added “or her” after “his” and substituted “51104” for “51100” after “Section” in the first sentence of subdivision (a).

**51114. Term of zoning of parcels as timberland production lands.** Parcels zoned as timberland production shall be zoned as such for an initial term of 10 years. On the first and each subsequent anniversary date of the initial zoning, a year shall be added to the initial term of 10 years, unless a notice of rezoning is given as provided in Section 51120.

**History.**—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” in the first sentence.

**51115. Restricted use of parcels zoned as timberland production lands.** Parcels zoned as timberland production shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses.

The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations.

**History.**—Stats. 1982, Ch. 1561, in effect January 1, 1983, added the second sentence. Stats. 1984, Ch. 1009, in effect January 1, 1985, substituted “production” for “preserve” after “timberland”, and deleted “and shall be entered as a timber preserve element of the county general plan” after “uses” in the first sentence.

**Note.**—Section 47 of Stats. 1984, Ch. 1009 provided no payment by state to local governments because of this act.

**51115.1. Presumption; parcels zoned as timberland production.**

(a) The zoning of a parcel pursuant to this chapter shall give rise to a presumption that timber operations, as defined in Section 4527 of the Public Resources Code, may reasonably be expected to and will occur on that parcel.

(b) The Legislature hereby declares that the enactment of this section is intended to make clear that the zoning of a parcel pursuant to this chapter is an indication that timber operations are expected to occur on that parcel at a future date. The Legislature further declares that this section is not intended and shall not be construed as altering any substantive or procedural requirement of Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code, or of any rule or regulation adopted pursuant thereto.

**History.**—Added by Stats. 1982, Ch. 1418, in effect January 1, 1983.

**51115.2. Nonconforming use; limitation.** (a) Changes or additions to any nonconforming use shall be limited to ordinary maintenance and repair, except that no change or addition which enlarges or tends to make more permanent any nonconforming use shall be permitted.

(b) If any nonconforming use ceases for a period of one year or more, use subsequent to the cessation shall comply with this chapter.

**History.**—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

**51115.5. Timber operations not nuisance; exceptions.** (a) Notwithstanding any other provision of law, timber operations conducted within a timber production zone pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Division 4 of the Public Resources Code) shall not constitute a nuisance, private or public.

(b) This section is not applicable with respect to any timber operation which (1) endangers public health or public safety or (2) prohibits the free passage or use of any navigable lake, river, bay, stream, canal, or basin, or any public park, street, or highway.

(c) For purposes of this section, the term “timber operation” means the cutting, removal, or both, of timber or other wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for falling trees, fire hazard abatement, and preparation, transportation, and delivery of timber and other wood products to market.

**History.**—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

**51116. Authority of county or city to bring court enforcement action.** The county or city may bring any action in court necessary to prohibit a use not permitted with respect to land zoned as timberland production including, but not limited to, an action to enforce the zoning restrictions by specific performance or injunction.

*History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland”.*

**51117. Recording with county recorder.** When land is zoned as timberland production or subsequently rezoned from a timberland production zone and after exhaustion of appeals, a notice of timberland production zone status, together with a map and assessor’s parcel numbers describing such land, shall be filed for record by the city or county in the recorder’s office. The notice and map shall become a part of the official records of the county recorder upon its acceptance by him for filing. The filing for record of a notice of timberland production, together with a map and assessor’s parcel numbers describing the land, shall impart constructive notice thereof.

*History.—Stats. 1978, Ch. 1109, in effect September 26, 1978, deleted the phrase “recorded by the city or county in the recorder’s office in the same manner as deeds are recorded.”, and replaced it with the phrase “filed for record by the city or county in the recorder’s office.” and added the second sentence. Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after each “timberland” in the first sentence, and substituted “production” for “preserve” after “timberland” and “the” for “such” after “describing” in the third sentence.*

**51118. Assessment as timberland production lands.** Land zoned as timberland production under this chapter shall be enforceably restricted within the meaning of Section 3(j) of Article XIII of the Constitution and the restriction shall be enforced and administered by the city or county in a manner to accomplish the purposes of that section and this chapter.

*History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland”, and deleted “such” before and “as” after “a manner”.*

**51119. Section 21151 of the Public Resources Code not applicable.** Any action of the board or council undertaken to zone a parcel as timberland production pursuant to Section 51112 or 51113 is exempt from the requirements of Section 21151 of the Public Resources Code.

*History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted present wording of section for “Adoption of timberland preserve zones pursuant to this chapter shall be exempt from the requirements of Section 21151 of the Public Resources Code.” Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” and “is” for “of the Government Code shall be” after “51113”.*

**51119.5. Size of parcels zoned as timberland production lands.** Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. The division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.



**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted present wording for “Parcels zoned as timberland preserve under this chapter may not be divided into parcels containing less than 160 acres unless owners of resulting parcels submit a joint timber management plan prepared or approved as to content by a registered professional forester, and such owners enter into a binding contract with the board or council to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum period of 10 years. Such division shall be approved by a four-fifths vote of the full board or council.” Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” in the first sentence, “The” for “Such” before “deed” in the third sentence, and “The” for “Such” before “division” in the fourth sentence.

### Article 3. Rezoning

§ 51120. Request of owner; notice and hearing; procedure.

§ 51121. Vote of board or council; notice and hearing; procedure.

**51120. Request of owner; notice and hearing; procedure.** (a) If the owner desires in any year to rezone a parcel from its current timberland production zone, the owner shall give written notice, naming the new zone desired, and shall follow procedures established pursuant to Sections 65854 to 65857, inclusive. Unless the written notice is given at least 90 days prior to the anniversary date of initial zoning, the zoning term shall be deemed extended.

(b) Within 120 days of receipt of the written notice of an owner’s desire to rezone a parcel, the board or council, after a public hearing, shall rule on the request for rezoning.

(c) The board or council by a majority vote of the full body may remove the parcel from the timberland production zone and shall specify a new zone for the parcel.

(d) The new zone approved pursuant to subdivision (c) shall become effective 10 years from the date of approval. Upon rezoning the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245.

(e) If the board or council denies the owner’s request for change of zone pursuant to subdivision (b), the owner may petition for a rehearing.

**History.**—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” and deleted “of the Government Code” after “inclusive” in the first sentence of subdivision (a), substituted “production” for “preserve” after “timberland” in subdivision (c), and deleted “of this code” after “51245” in the second sentence of subdivision (d).

**51121. Vote of board or council; notice and hearing; procedure.** (a) If the board or council after public hearing and by a majority vote of the full body desires in any year not to extend the term of zoning, the county or city shall give written notice of its intent to rezone following procedures established pursuant to subdivision (b) of Section 51113. A proposed new zone shall be specified. Unless the written notice is given at least 90 days prior to the anniversary date of the initial zoning, the zoning term shall be deemed extended.

(b) Upon receipt by the owner of a notice of intent to rezone from the county or city, the owner may make written protest of the notice and may appeal to the board or council within 30 days of notice from the county or city. The board or council may at any time prior to the anniversary date withdraw the notice of intent to rezone.



(c) The board or council shall hold a public hearing on the proposed change and by a majority vote of the full body may reaffirm its intent to change the zoning and specify a new zone.

(d) A new zone of a parcel shall be effective 10 years from the date of the reaffirmation vote pursuant to subdivision (c). Upon rezoning the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.

(e) The owner may petition to be reheard.

**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted “intent to rezone” for “nonrenewal” in subdivision (b), deleted “Upon receipt from the owner of a written protest of the zoning change,” before “the board” in subdivision (c), and deleted “date pursuant to subdivision (a), or in the case of a public hearing the date of the” before “reaffirmation” in subdivision (d).

#### Article 4. Immediate Rezoning

§ 51130.	Purpose of article.
§ 51131.	Request of owner.
§ 51132.	Application; notice and hearing; procedure. [Repealed.]
§ 51133.	Application for conversion required; procedure.
§ 51134.	Application for conversion not required; procedure.

**51130. Purpose of article.** The purpose of this article is to provide relief from zoning as timberland production pursuant to this chapter only when the continued use of land in the timberland production zone is neither necessary nor desirable to accomplish the purposes of Section 3(j) of Article XIII of the Constitution and of this chapter.

**History.**—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after the first “timberland” and “production zone” for “preserve” after the second “timberland”.

**51131. Request of owner.** A timberland production zone may not be immediately rezoned except pursuant to a request by a landowner, and as provided in this article.

**History.**—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland”.

**51132. Application; notice and hearing; procedure.** [Repealed by Stats. 1977, Ch. 853, in effect September 17, 1977.]

**51133. Application for conversion required; procedure.** (a) If application for conversion is required pursuant to Section 4621 of the Public Resources Code, the board or council may tentatively approve the immediate rezoning after notice and hearing and only if by a four-fifths vote of the full body, and all of the following occur:

(1) A public hearing is held with notice of the hearing being given to all owners of lands situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.

(2) The board or council makes written findings that immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the California Constitution and of this chapter.

(3) The board or council makes written findings that immediate rezoning is in the public interest.

(b) The board or council shall forward its tentative approval to the State Board of Forestry and Fire Protection, together with the application for immediate rezoning, a summary of the public hearing and any other

information required by the State Board of Forestry and Fire Protection. The State Board of Forestry and Fire Protection shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code. Final approval to an immediate rezoning is given only if the State Board of Forestry and Fire Protection has approved conversion pursuant to Section 4621.2 of the Public Resources Code. Upon final approval of conversion, the State Board of Forestry and Fire Protection shall notify the board or council of the approval, and the board or council shall remove the parcel from the timberland production zone and shall specify a new zone for the parcel.

**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977 designated the first sentence as subdivision (a), substituted “only if by” for “upon”, added “and” after “Body”, and added paragraphs (1) (2) and (3); and designated the next four sentences as subdivision (b). Stats. 1982, Ch. 1489, in effect January 1, 1983, added “State” before “Board” in four places, deleted “such” after “Upon” in the third sentence, and substituted “production” for “preserve” after “timberland” and “the” for “such” before the second “parcel” in the fourth sentence of subdivision (b). Stats. 1998, Ch. 972 (SB 989), in effect January 1, 1999, added “all of the following occur” after “body, and” in the first sentence, and added “California” before “Constitution” in the first sentence of paragraph (2) of subdivision (a); and added “and Fire Protection” after “Forestry” five times in subdivision (b) and substituted “the” for “such” after “council of” in the fourth sentence therein.

**51134. Application for conversion not required; procedure.** (a) If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the board or council may approve the immediate rezoning request only if by a four-fifths vote of the full board or council it makes written findings that all of the following exist:

- (1) The immediate rezoning would be in the public interest.
  - (2) The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
  - (3) The soils, slopes, and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved.
  - (4) The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this chapter.
- (b) The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning pursuant to this section. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned timberland production for the alternate use not permitted within a timberland production zone.
- (c) The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning pursuant to this section. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put.
- (d) Immediate rezoning action shall comply with all the applicable provisions of state law and local ordinances.

(e) The county or city may require the payment of a fee by the landowner for the cost of processing the application and recording the necessary documentation.

**History.**—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted “does” for “would” in subdivision (a)(2), substituted “will” for “would” and “by the applicant if the immediate rezoning is” for “if the conversion were” in subdivision (a)(3), and added subdivision (a)(4); and added “pursuant to this section” to the first sentences of subdivisions (b) and (c). Stats. 1982, Ch. 1489, in effect January 1, 1983, added “all of the following exist” after “findings that” in the first sentence of subdivision (a); deleted “and” after “interest” in subdivision (a)(1) and substituted “production” for “preserve” after “timberland” in subdivision (a)(2); and substituted “production” for “preserve” after each “timberland” in the second sentence of subdivision (b).

## Article 5. Removal From Zone

- § 51140. Certification of rezoning.
- § 51141. Recording with county recorder.
- § 51142. Immediate rezoning; tax recoupment fee.
- § 51146. Fee indicated in assessment roll; lien against parcel.

**51140. Certification of rezoning.** Upon rezoning, the board or council shall certify the rezoning indicating the new zone and its effective date.

**51141. Recording with county recorder.** A copy of the certification of rezoning together with the map and assessor’s parcel numbers for the rezoned land shall be recorded by the city or county in the recorder’s office in the same manner as deeds are recorded, and commencing on the lien date next following the effective date of the new zone, such land shall be assessed on the same basis as real property is assessed generally in that county. The assessor may require a description of the portion of the property rezoned as provided in Section 456 of the Revenue and Taxation Code.

**51142. Immediate rezoning; tax recoupment fee.** (a) Upon immediate rezoning of a parcel in a timberland production zone, a tax recoupment fee shall be imposed on the owner of the land. Within 90 days following rezoning of land in the timberland production zone the county assessor shall reassess the rezoned parcels on the basis of the value of the property in its rezoned use. The assessor shall certify this value to the owner of the land and to the county auditor. The owner may appeal this new valuation in the same manner as an assessment appeal. The application for an appeal shall be filed with the clerk no later than 60 days after the date of the mailing of the notice certifying the new valuation. Except when under an appeal, after the certification the auditor shall, in cases of immediate rezoning, within 10 days compute the tax recoupment fee and certify the amount to the tax collector. The tax collector shall notify the owner in writing of the amount and due date of the fee. Fees shall be due 60 days after mailing of notification.

(b) The tax recoupment fee shall apply only in cases of immediate rezoning and shall be a multiple of the difference between the amount of the tax last levied against the property when zoned as timberland production and

the amount equal to the assessed valuation of the rezoned property times the tax rate of the current levy for the tax rate area, that multiple to be chosen from the following table according to subdivision (c):

Year	Multiple
1.....	1.06000
2.....	2.18360
3.....	3.37462
4.....	4.63709
5.....	5.97332
6.....	7.39384
7.....	8.89747
8.....	10.49132
9.....	12.18080
10.....	13.97164

(c) The multiple shall correspond to the number of years or fraction thereof, but in no event greater than 10, for which the land was zoned as timberland production or was subject to a contract under Chapter 7 (commencing with Section 51200).

(d) Tax recoupment fees imposed pursuant to this section shall be due and payable to the county in which the rezoning has taken place.

(e) In cases of immediate rezoning, an owner may submit a written application, requesting the waiver of tax recoupment fees and explaining the reasons therefor, to either the State Board of Equalization or, where the county board of supervisors has adopted an authorizing resolution, to the county board of supervisors. The board receiving an application pursuant to this subdivision may, if it determines that it is in the public interest, waive all or any portion of the fees.

**History.**—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” in the first sentence, “production zone” for “preserve” after “timberland” in the second sentence, and “the” for “such” before “certification” in the fifth sentence of subdivision (a); substituted “production” for “preserve” after “timberland” and “that” for “such” before “multiple” in subdivision (b); substituted “production” for “preserve” after “timberland” in subdivision (c); and, deleted “Reserve” after “Tax” and substituted “38903” for “38902” after “Section” in subdivision (d). Stats. 1994, Ch. 1222, in effect January 1, 1995, substituted “county in which the rezoning has taken place” for “State of California, and shall be placed in the Timber Tax Fund pursuant to Section 38903 of the Revenue and Taxation Code” after “payable to the” in subdivision (d); substituted “submit a” for “make” after “an owner may”, substituted “requesting the waiver” for “to the State Board of Equalization requesting waiver” after “written application”, and added “, to either the . . . board of supervisors” after “the reasons therefor” in the first sentence, added “receiving an application pursuant to this subdivision may” after “The board”, and deleted “may” after “the public interest,” and substituted “fees” for “fee” in the second sentence of subdivision (e). Stats. 2001, Ch. 407 (SB 1181), in effect January 1, 2002, added the fifth sentence in subdivision (a); deleted “such” after “under” in the former fifth sentence and substituted “mailing” for “receipt” before “of notification” in the former seventh sentence thereof; capitalized “Chapter” after “contract under” in subdivision (c); and added a comma after “application” in the first sentence of subdivision (e).

**Note.**—Section 12 of Stats. 2001, Ch. 407 (SB 1181) provided that notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

**51146. Fee indicated in assessment roll; lien against parcel.** A fee imposed under this article shall be indicated on the assessment roll and when so indicated shall become a lien against the parcel of land in the same manner as county general taxes.

Article 6. Eminent Domain or Other Acquisition\*

- § 51150. Public policy.
- § 51151. Public agency defined.
- § 51152. Location of public improvement on timberland production zone.
- § 51153. Exception of locating on timberland production zone.
- § 51154. Enforcement by mandamus.
- § 51155. Rezoning required when land zoned as timberland production zone is acquired by public agency.

**51150. Public policy.** It is the policy of the state to avoid, whenever practicable, the location of any state or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in timberland production zones.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland.”

**51151. Public agency defined.** (a) As used in this section, Section 51152, and Section 51155, “public agency” means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and “person” means any person authorized to acquire property by eminent domain.

(b) Whenever it appears that land within a timberland production zone (TPZ) may be required by a public agency or person for a public use, the public agency or person shall advise the Secretary of Resources and the local governing body responsible for the administration of the land of the intention to consider the location of a public improvement within the TPZ.

Within 30 days thereafter the Secretary of Resources and the local governing body shall forward to the public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the TPZ and those comments shall be considered by the public agency or person. Failure of any public agency or person to comply with the requirements of this section shall invalidate any action by the agency or person to locate a public improvement within a TPZ. This subdivision does not apply to the erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities within a TPZ if that TPZ was established after submission of the location of the facilities to the city or county for review or approval.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” and “land” for “preserve” after “administration of the” in the first paragraph, and substituted “those” for “such” before “comments” in the first sentence, “the” for “such” after “action by” in the second sentence, and “the” for “such” after “location of” in the third sentence of the second paragraph of subdivision (b).

**51152. Location of public improvement on timberland production zone.** (a) No public agency or person shall locate a public improvement within a timberland production zone (TPZ) based primarily on a consideration of the lower cost of acquiring a land in a TPZ.

(b) No public agency or person shall acquire timberland zoned as timberland production pursuant to this chapter for any public improvement if there is other land within or outside the TPZ on which it is reasonably feasible to locate the public improvement.

\*Added by Stats. 1977, Ch 853, in effect September 17, 1977.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” in both subdivision (a) and subdivision (b).

**51153. Exception of locating on timber production zone.** Section 51152 shall not apply to:

(a) The location or construction of improvements where the board or council administering the TPZ approves or agrees to the location thereof.

(b) The acquisition of easements within a TPZ by the board or council administering the TPZ.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) Public works required for fish and wildlife enhancement and preservation.

(e) Improvements for which the site or route has been specified by the Legislature in such a manner as to make it impossible to avoid the acquisition of land under contract.

(f) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.

(g) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of said subdivision (d).

(h) Land upon which condemnation proceedings have been commenced prior to July 1, 1977.

**51154. Enforcement by mandamus.** Section 51152 shall be enforceable only by mandamus proceedings by the local governing body administering the timberland production zone or the Secretary of Resources. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51152 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against him.

History.—Stats. 1992, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after “timberland” in the first sentence.

**51155. Rezoning required when land zoned as timberland production zone is acquired by public agency.** When any action in eminent domain for the condemnation of the fee title of an entire parcel of land zoned as timberland production is filed or when that land is acquired in lieu of eminent domain for a public agency or person or whenever there is any such action or acquisition by the federal government or any person, instrumentality or agency acting under authority or power of the federal government, the parcel shall be deemed immediately rezoned (pursuant to Section 51130) as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of the land, the timberland production zone (TPZ) shall be deemed never to have existed.

Upon the termination of such a proceeding, the parcel shall be immediately rezoned for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a TPZ is commenced, the parcel shall be deemed immediately rezoned as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to the TPZ will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the TPZ.

When an action to condemn or acquire an interest which is less than the fee title of an entire parcel or any portion thereof, of land subject to a TPZ is commenced, the parcel shall be deemed immediately rezoned as to that interest and for the purpose of establishing the value of that interest only shall be deemed never to have existed, unless the remaining interests in any of the land subject to the TPZ will be adversely affected, in which case the value of that damage shall be computed without regard to the TPZ.

The land actually taken shall be removed from the TPZ. Under no circumstances shall land be removed that is not actually taken, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the parcel may be immediately rezoned with respect to the remaining portion or interest upon petition of either party, and pursuant to the provisions of Article 4 (commencing with Section 51130).

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the TPZ is continued on the remaining portion or interest in the land may satisfy the requirements of subdivisions (a), (b), and (c) of Section 51134, and subdivisions (a), (b), and (c) of Section 4621.2 of the Public Resources Code.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted “production” for “preserve” after each “timberland” and added “section” before “51130)” in the first paragraph; and deleted “of this chapter” after “51130)” in the second sentence of the fifth paragraph. Stats. 1983, Ch. 1281, in effect September 30, 1983, deleted “such” after “when” in the third and fourth paragraphs, substituted “that” for “such” before the second and third “interest” in the fourth paragraph, and deleted “subdivision (a) of Section 51132” after “requirements of” in the sixth paragraph.